

FELIX CAMACHO CDCR# V-12155
480 ALTA ROAD
SAN DIEGO CA 92179

FILED

2008 JAN 18 PM 3:02

UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF CALIFORNIA

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FELIX CAMACHO
PETITIONER

08-cv-0016 BEN LSP
BY Rm DEPUTY

V
ROBERT HERNANDEZ, WARDEN
RESPONDENT

PETITION FOR RECONSIDERATION
OF ORDER TO DISMISSING CASE
WITHOUT PREJUDICE AND WITH
LEAVE TO AMEND

TO THE HON: ROGER T. BENITIZ, U.S. DISTRICT JUDGE.

PETITIONER HEREIN RESPECTFULLY FILES THE ABOVE ENTITLED PETITION
BEFORE THIS COURT.

ON JANUARY 10, 2008, THE PETITIONER RECEIVED THIS COURT ORDER
ENTITLED "ORDER DISMISSING CASE WITHOUT PREJUDICE AND WITH LEAVE TO
AMEND". IN ITS ORDER THE COURT STATES THAT THE PETITIONER FAILED TO
TO MOVE TO PROCEED IN FORMA PAUPERIS.

HOWEVER, THIS COURT FAILED TO TAKE ACTION THE MOTION THAT THE
PETITIONER ON JANUARY 2, 2008, FILED ENTITLED " PETITION FOR ORDER FOR
CERTIFICATION OF PRISON TRUST ACCOUNT".

IN THIS MOTION THE ASK THIS COURT FOR A COURT ORDER DIRECTING
RJ DONOVAN STATE PRISON TO PROVIDE THE PETITIONER WITH A CERTIFIED
COPY OF HIS INMATES TRUST ACCOUNT OR THAT IT GRANTS THE PETITIONER
FORMA PAUPERIS.

THE PETITIONER MADE AND CONTINUES TO MAKE THIS REQUEST BECAUSE THE
PRISON ACCOUNTING DEPT. HAS REFUSED TO PROVIDE THE PETITIONER WITH A
COPY OF HIS TRUST ACCOUNT FOR LAST SIX MONTHS.

PETITIONER HAS PROVIDED EXHIBIT "A" A COPY OF THE PETITION FILED IN

JANUARY 2, 2008.

PETITIONER PRAYS THAT THIS COURT STRIKES IT ORDER DATED JANUARY 8, 2008 AND THAT IT RE-INSTATES THE PETITIONER WRIT OF HABEAS CORPUS AND THAT IT MAKES A RULING ON THE PETITIONERS PROPERLY FILE MOTION OF " PETITION FOR ORDER FOR CERTIFICATION OF PRISON TRUST ACCOUNT" SO THAT THE PETITIONER MAY ESTABLISHED ITS INDIGENT STATUS.

PETITIONER SIGN UNDER PENALTY OF PERJURY THAT HEREIN SAID IS TRUE AND CORRECT UNDER PENALTY OF PERJURY.

DATE: 1/16/08

RESPECTFULLY SUBMITTED

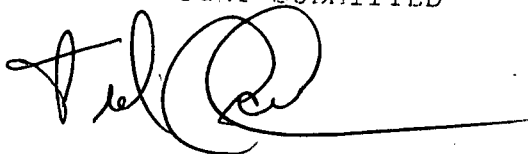
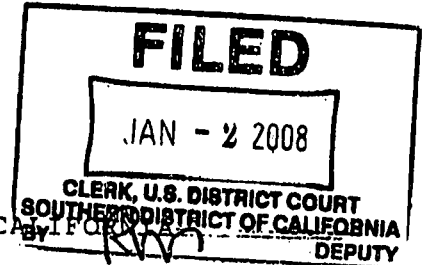
A handwritten signature in black ink, consisting of a stylized first name followed by a large, circular monogram or last name, with a long horizontal line extending to the right.

Exhibit
A

FELIX CAMACHO
V-12155
480 ALTA ROAD
SAN DIEGO CA 92179



UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF CALIFORNIA

FELIX CAMACHO
PETITIONER

CASE NO. '08 CV 0016 BEN LSP

V

ROBERT HERNANDEZ, WARDEN
RESPONDENT

PETITION FOR ORDER FOR
CERTIFICATION OF PRISON
TRUST ACCOUNT

TO THE DISTRICT JUDGE OF THE SOUTHERN DISTRICT OF CALIFORNIA.

THE PETITIONER HEREIN APPLIES BEFORE THIS COURT TO PROCEED IN
FORMA PAUPERIS. THE PETITIONER ATTEMPTED TO GET A CERTIFIED
COPY OF HIS TRUST ACCOUNT ,BUT THE INSTITUTION ACCOUNTING DEPT.
REFUSED TO PROCESS IT WITHOUT A CASE NUMBER OR COURT ORDER.

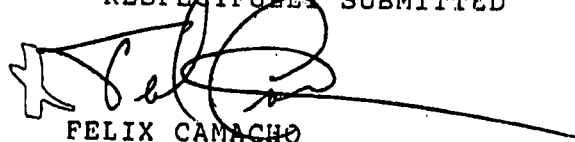
PETITIONER IS A INDIGENT PRISONER THAT MAKES ONLY \$9.00 A MONTH
WHICH NOT ENOUGH TO SURVIVE.

PETITIONER PRAY THAT THIS COURT EITHER GRANTS THE PETITIONER
FORMAS PAUPERIS OR THAT IT ORDER THE R.J DONOVAN STATE PRISON
TO PROVIDE A CERTIFIED COPY OF THE PETITIONER PRISON ACCOUNT
BALANCE.

PETITIONER SIGNS UNDER PENALTY OF PERJURY THAT HEREIN IS TRUE
AND CORRECT.

DATE: 12-30-07

RESPECTFULLY SUBMITTED


FELIX CAMACHO

Exhibit

B

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FELIX CAMACHO,

Petitioner,

v.

ROBERT HERNANDEZ, Warden

Respondent.

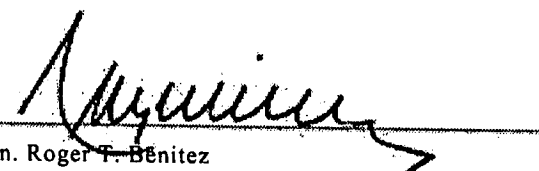
Civil No. 08-0016 BEN (LSP)

**ORDER DISMISSING CASE
WITHOUT PREJUDICE AND WITH
LEAVE TO AMEND**

Petitioner, a state prisoner proceeding pro se, has filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254, but has failed to pay the \$5.00 filing fee and has failed to move to proceed in forma pauperis. Because this Court cannot proceed until Petitioner has either paid the \$5.00 filing fee or qualified to proceed in forma pauperis, the Court **DISMISSES** the case without prejudice. See Rule 3(a), 28 U.S.C. foll. § 2254. If Petitioner wishes to proceed with this case, he must submit, no later than March 14, 2008, a copy of this Order with the \$5.00 fee or with adequate proof of his inability to pay the fee. **THE CLERK OF COURT IS DIRECTED TO MAIL PETITIONER A BLANK MOTION TO PROCEED IN FORMA PAUPERIS.**

IT IS SO ORDERED.

DATED: January 8, 2008


Hon. Roger T. Benítez
United States District Judge

PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA)
) SS
COUNTY OF SAN DIEGO)

08-CV-0016-BEN LSP

[C.C.P. §§ 446, 2015.5; 28 U.S.C. §1746]

I, Ramon MURILLO, am a resident of the State of California and am over the age of eighteen years and am not a party to the above-entitled action. My address is listed below.

On JANUARY 16, 2008, I served the following documents:

PETITION FOR RECONSIDERATION OF ORDER TO
DISMISSING CASE WITHOUT PREJUDICE.

by placing a true copy thereof enclosed in a sealed envelope with First Class postage thereon fully prepaid in the United States Mail by delivering to prison officials for processing through the Institution's internal legal mail system at San Diego California, addressed as follows::

USDC

SOUTHERN DISTRICT COURT

880 FRONT STREET

SUITE 4290

SAN DIEGO CA 9 2101

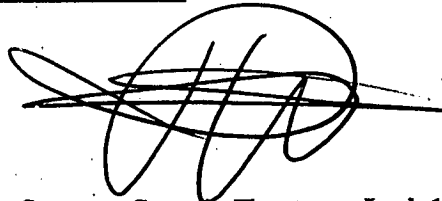
I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct. Executed in the County of San Diego, California on 1-16-08

Ramon MURILLO

480 ALTA ROAD

P.O. Box 799023

San Diego, CA 92179-900



Pursuant to the holding of the United States Supreme Court in Houston v. Lack 108 S. Ct. 2379, 487 U.S. 266, 101 L.Ed.2d 245 (1988) and FRAP, Rule 4 (c) inmate legal documents are deemed filed on the date they are delivered to prison staff for processing and mailing via the Institution's internal legal mail procedures.